



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,831	12/29/2003	Kevin W. Johnson	29505/39649	6446

4743 7590 08/22/2005

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

EXAMINER

FRECH, KARL D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/747,831	Applicant(s) JOHNSON ET AL. (signature)	
	Examiner Karl D. Frech	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-13 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 2-10 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2876

1. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

2. The drawings are objected to because figures 14,15 and 16 are currently not clear. The examiner acknowledges that color drawings have been filed. However, a clear black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing must be present (37 CFR 1.84 (a)(2)(iii)). The photocopies of figures 14,15 and 16 do not currently depict the subject matter. The photocopies currently have large all black regions in which the details of the figures cannot be discerned. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is

Art Unit: 2876

to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because of the following informalities: The current specification does not include a statement that color drawings are present in the application. An amendment to the specification to insert the following language as the first paragraph of the brief description of the drawings is required (37 CFR 1.84(a)(2)(iv)).

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,11-13,15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Arbuckle 6,019,524.

Art Unit: 2876

Regarding claim 1: Arbuckle discloses a case (44),(46) with a movable assembly (16) that is adjustable about hinge (18) by screws (34),(26). There is disclosed a camera (48) which is coupled to the movable assembly (16). When the assembly is in a first position, defined by the adjustment of the screws (34),(26), the camera inherently receives light from a first angle. When the assembly is in a second position, defined by a re-adjustment of the screws (34),(26), the camera inherently receives light from a second angle.

Regarding claims 11-13: the movable assembly (16) is attached to the case (44) by hinge (18), base plate (12) and stud (58) and nut (60). The camera is attached to movable assembly (16). Re-adjusting the screws (34),(26) again provides for a third position receiving light from a different angle.

Regarding claim 15: Arbuckle discloses that which is seen above. Arbuckle further discloses at least two (multiple) openings, specifically the opening created when case element (46) is swung open about the hinge connecting case element (46) to case element (44), and the opening within case element (46) itself which is shown essentially at (62). The camera receives light and converts it to an electronic signal.

Regarding claim 16: adjusting the screws (34),(26) "determines" the position of the movable assembly.

Regarding claim 17: when the camera is adjusted in small angle increments by gradually adjusting the screws (34),(26) light in a first and second angle falls on the input portion of the light sensitive device of the camera (48).

Art Unit: 2876

Regarding claim 18: when the camera is adjusted in a large angle by greatly adjusting the screws (34),(26) light at the second angle is blocked by case element (46).

Regarding claim 19: Arbuckle discloses that which is seen above. The examiner acknowledges the preamble of claim 19 recites "wireless" communication.

However, there are no elements within the body of the claim which breathe life into this "wireless" communication and therefore the "wireless" communication of the preamble fails to limit the current claim 19.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2876

8. Claims 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbuckle 6,019,524 in view of Glatt 5,526,041.

Arbuckle discloses that which is seen above. Arbuckle does not disclose the wireless communication as claimed. Glatt discloses in column 3 lines 59-64 wireless communication in a closed circuit TV system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the wireless communication as taught by Glatt in the camera system of Arbuckle. This would allow for real time remote location monitoring of what is being viewed by the camera.

9. Claims 2-10 & 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the subject claims and any other claim they are dependent upon, the plurality of light redirection apparatuses for directing light entering one of the first and second apertures in the case into the camera as in claims 2-10, or the sensor for determining the position of the movable assembly as in claim 14.

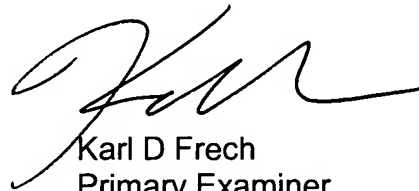
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tani 5,318,257, Whitman 2,257,081 and Corbin 6,685,336 all disclose adjustable camera systems.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Frech
Primary Examiner
Art Unit 2876
